

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL DON POGUE,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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Civil Action No. **3:20-CV-175-L-BT**

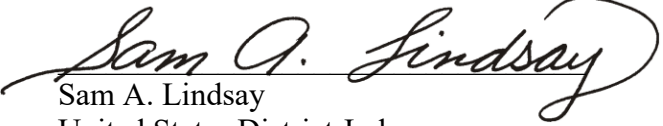
ORDER

On July 10, 2023, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 33) was entered, recommending that the court find, based on the record in this case, that Petitioner’s appeal is not taken in good faith and deny his Motion to Proceed In Forma Pauperis (Doc. 32) on appeal. No objections to the Report were received as of the date of this order, and the deadline for filing objections has expired.

Having considered the Motion to Proceed In Forma Pauperis (Doc. 32), the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court finds, based on its familiarity with the record in this case and the reasons stated in the Report, that Petitioner’s appeal is not taken in good faith and **denies** his Motion to Proceed In Forma Pauperis (Doc. 32).

Although the court has denied Petitioner’s request to proceed *in forma pauperis* on appeal, he may challenge that finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit within 30 days from the date of this order. *See Baugh*, 117 F.3d at 202; *see also* Fed. R. App. P. 24(a)(5).

It is so ordered this 7th day of August, 2023.


Sam A. Lindsay
United States District Judge